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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,812	05/04/2001	Mitchell S. Askenas	ICTVP002	7911
28436	7590	11/16/2004	EXAMINER	
IP CREATORS P. O. BOX 2789 CUPERTINO, CA 95015			LAYE, JADE O	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,812

Applicant(s)

ASKENAS ET AL.

Examiner

Jade O. Laye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/04/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/04/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been entered and considered on the merits.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. Specification refers to "browser instance 330" in Figure 3. (Page 16 of 30, Ln. 9)

There is no figure 330 identified in Figure 3.

Appropriate correction is required.

Title

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is recommended the title contain some reference to "internet" or "web-casting."

Claim Objections

4. Claims 2-9, 11-16, and 18-23 are objected to because of the following informalities:
 - a. The preamble of Claim 23 incorrectly refers to "[t]he means for delivery of Claim 10...". It is assumed the applicant intended for Claim 23 to refer to the "means for delivery of claim 17..."

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- b. "Claim" should not be capitalized within the body of claims. Claims should begin with a single capital letter and end with a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 7, 10, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al. (US #6,459,427).

7. Applicant's claim 1 recites a television headend comprising:

- a. a generator to generate a first browser instance (i.e. channel), atleast a second browser instance, and corresponding web pages
- b. a controller used to control the capturing of the browser instances
- c. a compressor coupled to said controller, which is used to compress the periodically captured images
- d. a multiplexer used to multiplex the compressed images for delivery to the subscribers

As to sub-element "a," Mao discloses a headend comprising a broadcast server, which transports internet signals to users (Col. 4, Ln. 19-23) after they have been multiplex into MPEG

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channels (Col. 2, Ln. 29-44; Col. 3, Ln 18-22), thereby resulting in the displaying of web pages. (Col. 3, Ln. 18-23). Applicant's browser instances are equivalent to Mao's MPEG channels because both are used to display web pages retrieved from the internet. Accordingly, Mao's broadcast server is a generator used to generate browser instances or i.e., channels and corresponding web pages.

As to sub-element "b," Mao discloses a control module, which controls HTML data fetching through the HTTP proxy module server. (Col. 6, Ln. 14-24 & Fig. 1). Furthermore, it is inherent in any internet server, that the system be capable of capturing web images. Therefore, Mao contains a controller, which controls the periodical capturing of web pages.

As to sub-elements "c" and "d," Mao discloses a MPEG compressor coupled to said control module (Figs. 1 & 2) and a multiplexer, used to multiplex the MPEG video and internet signals into MPEG channels. (Col. 2, Ln. 39-44). Accordingly, each and every limitation of applicant's claim 1 has been anticipated by Mao.

Claims 10 and 17 are method and means-plus-function claims, respectively, which correspond to apparatus claim 1. Claims 10 and 17 are analyzed and rejected as previously discussed.

8. As to claim 7, Mao teaches the use of an application module containing a user interface, which allows a user to set up personal options and channel information (i.e., browser instances). (Col. 6, Ln. 31-61). Moreover, it is inherent in a system such as this, that there must be a method of storing said personal options. Accordingly, each and every limitation of claim 7 has been anticipated by Mao.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 2, 3, 11, 12, 13, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Zigmond et al. (US #6,785,902).

13. Applicant's claim 2 recites the headend of claim 1, wherein the displayed page (i.e., master web page) includes a persistent page portion and a cyclic portion. As discussed above in

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paragraph 7, Mao contains each limitation of applicant's claim 1, but fails to teach a master web page with a persistent page portion and a cyclic page portion. Within the same field of endeavor, Zigmond discloses an internet terminal, which can display images within a window of a webpage. (Col. 2, Ln 16-19 & Fig. 1).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the headend of Mao with the internet terminal of Zigmond in order to provide a simpler method of merging HTML and broadcast TV content.

Claims 11 (method claim), 18 (means-plus claim), and 19 (means-plus claim) correspond to apparatus claim 2 and are analyzed and rejected as previously discussed.

14. Applicant's claim 3 recites the headend of claim 2, where the periodically captured images include images of the cyclic web pages. As discussed above in paragraph 7, Mao contains each limitation of applicant's claim 1, but fails to teach that the images captured contain cyclic sets of web pages. Within the same field of endeavor, Zigmond teaches the use of a "document builder" which creates a data structure containing all information needed to display the HTML pages and web pages (i.e., cyclic pages) contained therein. (Col. 2, Ln. 1-11).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the headend of Mao with the cyclic web page display software of Zigmond in order to allow the user to surf through web pages.

Claims 12 (method claim), 13 (method claim), and 20 (means-plus claim) correspond to claim 3 and are analyzed and rejected as previously discussed.

15. Claims 4, 5, 6, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Cordell. (US # 6,031,989).

16. Applicant's claim 4 recites a headend, wherein the cyclic portion is defined with a floating frame markup language tag element. As discussed above in paragraph 7, Mao discloses each element of applicants claim 1, but fails to teach the used of a markup tag element used to define a floating frame. Within the same field of endeavor, Cordell discloses a "HTML floating frame" which allows for the nesting of documents within a main electronic document. (Col. 9, Ln. 16-19 & Fig. 7).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the headend of Mao with the tag designation of Cordell in order to define the area to be used as a floating frame.

17. Applicant's claim 5 recites a floating frame markup language tag comprising a <IFRAME> tag element. As discussed above under paragraph 7, Mao discloses each limitation of applicant's claim 1, but fails to disclose the use of an <IFRAME> floating frame markup language tag element. Within the same field of endeavor, Cordell teaches the use of an <IFRAME> tag designation used to define a floating frame. (Col. 9, Ln. 16-19).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the headend of Mao with the <IFRAME> floating frame designation of Cordell in order to allow for nesting of documents within a main electronic document.

18. Applicant's claim 6 recites the persistent page portion including script used to affect the cyclic display of web pages. As discussed above under paragraph 7, Mao teaches each limitation of applicant's claim 1, but fails to teach a persistent page portion, which includes script used to affect the display of cyclic web pages. Within the same field of endeavor, Cordell teaches a

method of formatting the nested document, which can be cyclic web pages. (Col. 6, Ln 66 through Col. 7, Ln. 22).

Accordingly, it would have been obvious to one ordinarily skilled at the time of applicant's invention to combine the headend of Mao with the formatting method of Cordell in order to provide the user with a way of manipulating the cyclic web pages.

Claims 14 and 21 are method and means-plus-function claims, respectively, that correspond to the apparatus claim 6. They are analyzed and rejected as previously discussed.

19. Claims 8, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Boyer et al. (US #2004/0128686).

20. Applicant's claim 8 recites a headend wherein the user is allowed to manipulate the reload or capture interval. The examiner interprets this claim to provide, in essence, a method of allowing the user to refresh or update the cyclic image displayed. As discussed above, Mao contains all limitations of applicant's claim 1 and the user interface of applicant's claim 7, but fails to disclose a user interface, which allows the user to manipulate the capture or reload interval (i.e., to refresh or update). Within the same field of endeavor, Boyer discloses an internet television guide system containing a reload icon, which allows the user to reload the cyclic image displayed at his or her convenience. (Fig. 4).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the user interface of Mao with the reloading capability of Boyer. Taking each reference into consideration, there is a motivation to provide a user interface, which allows a user to manipulate the reloading interval in order to provide the user with an easier method of reloading the cyclic images.

Claims 15 and 22 are method and means-plus-function claims, respectively, which correspond to applicant's claim 8. Accordingly, they are analyzed and rejected as previously discussed.

21. Claims 9, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Seazholtz et al. (US #5,812,786).

22. Applicant's claim 9 recites a headend, which allows the user to manipulate the bit rate via an interactive interface. As discussed above in paragraph 7, Mao contains all limitations of applicant's claim 1 and further includes the user interface of applicant's claim 7, but fails to disclose a method of allowing the user to manipulate the bit rate. Within the same field of endeavor, Seazholtz discloses an interface, which allows the user to control the bit rate of a video on demand system. (Col. 2, Ln. 62-64; Col. 14, Ln. 22-24).

Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the headend and user interface of Mao with the bit rate control capability of Seazholtz in order to provide the user with a simple method of varying the bit rates of upstream and downstream channels.

Claims 16 and 23 are method and means-plus-function claims, respectively, which correspond to the apparatus claim 9. Accordingly, they are analyzed and rejected as previously discussed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (703)308-6107. The examiner can normally be reached on Mon. 7:30am-3pm, Tues.-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials JL
November 12, 2004


NGOC-YEN VU
PRIMARY EXAMINER